

**THE COMMONWEALTH OF MASSACHUSETTS***Office of the Secretary of State*Regulation Filing *To be completed by filing agency*CHAPTER NUMBER: 301 CMR 26.00CHAPTER TITLE: Coastal Pollutant Remediation ProgramAGENCY: Coastal Zone Management Office of  
The Executive Office of Environmental Affairs**SUMMARY OF REGULATION***State the general requirements and purposes of this regulation:*

Adopts a new grants program focused on abatement of coastal pollution from nonpoint sources and marine sanitation devices.

REGULATORY AUTHORITY: St. 1994 C. 273 & 2IAGENCY CONTACT: Ivy V. Schram PHONE: (617) 727-9530ADDRESS: 100 Cambridge Street, 20th Floor, Boston, MA 02202.

Compliance with M.G.L. c. 30A

**EMERGENCY ADOPTION***If this regulation is adopted as an emergency regulation, state the nature of the emergency.*

N/A

**PRIOR NOTIFICATION AND/OR APPROVAL***If prior notification to and/or approval of the Governor, legislature or others was required, list each notification, approval and date, including notice to the Local Government Advisory Commission:*

John Robertson, Mass. Municipal Assoc. September 18, 1995.

Marilyn Contreas, Executive Office of Communities &amp; Develop. September 11, 1995.

**PUBLIC REVIEW***Was notice of the hearing or comment period filed with the Secretary of State published in appropriate newspapers and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period?*Yes ☒ Date of public hearing or comment period: October 22 -  
November 24, 1995.  
(Comment Period)

## FISCAL EFFECT

*Estimate the fiscal effect on the public and private sectors:*

*For the first and second years:*

*For the first five years:*

\*\*\* No fiscal effect: NONE

## SMALL BUSINESS IMPACT

*State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state this section does not apply.*

NONE

## CODE OF MASSACHUSETTS REGULATIONS INDEX

*List key subjects entries that are relevant to this regulation:*

Coastal Pollution Remediation

## PROMULGATION

*State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) to repeal, replace or amend. List by CMR number:*

Inserts New Section 26.00 to 301 CMR.

## ATTESTATION

*The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:*

Signature: *Ivy W. Schram*

Date: November 29, 1995.

Ivy W. Schram, Counsel

Publication To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 780

DATE: December 15, 1995.

EFFECTIVE DATE: December 15, 1995.

## CODE OF MASSACHUSETTS REGULATIONS

*Remove these pages:*

CMR: Vol.

*Insert these pages:*

3-6  
238.7-238.8

3-6  
238.7-238.12

A TRUE COPY ATTEST

*William Francis Galvin*

WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

DATE 11/27/95 CLERK PC

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301 CMR 26.00: COASTAL POLLUTANT REMEDIATION PROGRAM

Section

- 26.01: Authority
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- 26.05: Application and Requirements for Grant Awards
- 26.06: State Action
- 26.07: Applicable Criteria in Project Evaluation
- 26.08: Fiscal Considerations

26.01: Authority

301 CMR 26.00 is adopted by the Secretary of the Massachusetts Executive Office of Environmental Affairs (EOEA) under the authority of St. 1994, c. 273, § 2I that creates a program to be commonly known as the Coastal Pollutant Remediation Program (CPRP). As the jurisdiction for the CPRP is the watersheds of the Massachusetts coastal zone, the Secretary has designated the Director of the Coastal Zone Management (MCZM) office to administer the CPRP, pursuant to M.G.L. c. 21A, § 4A.

26.02: Purpose

301 CMR 26.00 is promulgated to establish uniform application, review, award, and disbursement procedures and requirements that municipalities must meet in order to receive grant funds allocated under the provisions of St. 1994, c. 273, § 2I.

26.03: Definitions

Throughout 301 CMR 26.00, the terms listed below shall have the following meaning unless otherwise specified:

Applicant means the chief executive of any city or town found within the following coastal watersheds: Boston Harbor (includes Mystic, Neponset, Weymouth and Weir), Buzzards Bay, Cape Cod, Charles, Concord, Ipswich, Islands, Merrimac, Mount Hope, Narragansett, Nashua, North Coastal, Parker, Shawsheen, South Coastal, Taunton, Weymouth and Weir, and the Ten Mile.

Application means the document submitted to the Committee for consideration of grant funds under CPRP.

Boat Pumpout Facilities means a mobile or fixed station facility that pumps or receives sewage from a marine sanitation devise (holding tank) installed on board vessels.

Cash Contributions means those contributions made by the Applicant, including the outlay of money contributed to the Applicant by other public agencies and institutions, private institutions and individuals.

Committee means the panel of representatives from four state agencies who will review all applications for grant funds under St. 1994, c. 273, § 2I.

Director means the Director of MCZM who has been designated by the Secretary of the Executive Office of Environmental Affairs to manage the CPRP.

EOEA Watershed Initiative means the schedule of water quality assessment, planning, permitting and implementation developed for Massachusetts' 28 watersheds.

Grant Funds means those funds which are to be awarded for CPRP projects under St. 1994, c. 273, § 2I.

26.03: continued

In-Kind Contributions means the value of non-cash contributions provided by the Applicant, which may be in the form of the value of goods and services directly benefiting and specifically identifiable to the project.

Marine Sanitation Device means any equipment for installation on board a vessel and which is designed to retain, treat, or discharge sewage and any process to treat such sewage.

Matching Share means the portion of the project costs not borne by the grant funds awarded to the Applicant.

Nonpoint Pollution means contamination which includes but is not limited to sediments, nutrients, pathogens, and pollutants that collect in waterbodies from stormwater runoff.

Plans means any designs, and relevant documentation prepared for and directly supporting or describing the project specified in an application for grant funds.

Project means an improvement or activity, that may include without limitation, planning, engineering, repair, construction or reconstruction of boatyard pumpout facilities or stormwater drainage facilities along roads, highways, and bridges. Each project must be:

- (a) separate and distinct;
- (b) in one geographic area; and
- (c) identified in a site plan accompanying the application.

Project Cost means total cost of the Project, including reimbursement costs funded by grant funds and other costs that will be financed by matching funds.

Reimbursement Costs means costs incurred by the Applicant for its CPRP project for which grant funds are awarded. These costs shall be supported by documentation and proof of expenditure as described below in 301 CMR 26.08: *Fiscal Considerations*.

Remediation means, for purposes of the CPRP, correcting or counteracting a source of nonpoint pollution from a roadway.

Roadways means surfaces such as roads, highways, bridges and municipal parking lots used by motor vehicles.

Runoff means water from precipitation or snow melt which is not readily absorbed into the ground, but rather flows over the land surface and into adjacent waterbodies.

Secretary means the Secretary of the Executive Office of Environmental Affairs.

Waterbodies means the following resources which have a direct impact on coastal waters: wetlands, ponds, lakes, reservoirs, creeks, streams, rivers, marine waters and other areas where surface water collects.

26.04: Eligibility Requirements and Conditions

(1) Cities and towns that are located within the following coastal watersheds: Boston Harbor (includes Mystic, Neponset, Weymouth and Weir), Buzzards Bay, Cape Cod, Charles, Concord, Ipswich, Islands, Merrimac, Mount Hope, Mystic, Narragansett, Nashua, Neponset, North Coastal, Parker, Shawsheen, South Coastal, Taunton, Weymouth and Weir, and the Ten Mile are eligible. These include the following municipalities: Abington, Acton, Acushnet, Amesbury, Andover, Arlington, Ashburnham, Ashby, Ashland, Attleboro, Avon, Ayer, Barnstable, Bedford, Bellingham, Belmont, Berkley, Berlin, Beverly, Billerica, Bolton, Boston, Bourne, Boxborough, Boxford, Boylston, Braintree, Brewster, Bridgewater, Brockton, Brookline, Burlington, Cambridge, Canton, Carlisle, Carver, Chatham, Chelmsford, Chelsea, Chilmack, Clinton, Cohasset, Concord, Danvers, Dartmouth, Dedham, Dennis, Dighton, Dover, Dracut, Dunstable, Duxbury, East Bridgewater, Eastham, Easton, Edgartown, Essex, Everett, Fairhaven, Fall River, Falmouth, Fitchburg, Foxborough, Framingham, Franklin, Freetown, Gardner, Gay Head, Georgetown, Gloucester, Gosnold, Grafton, Groton, Groveland, Halifax, Hamilton, Han-



## 26.04: continued

over, Hanson, Harvard, Harwich, Haverhill, Hingham, Holbrook, Holden, Holliston, Hopedale, Hopkinton, Hubbardston, Hudson, Hull, Ipswich, Kingston, Lakeville, Lancaster, Lawrence, Leominster, Lexington, Lincoln, Littleton, Lowell, Lunenburg, Lynn, Lynnfield, Malden, Manchester, Mansfield, Marblehead, Marion, Marlborough, Marshfield, Mashpee, Mattapoisett, Maynard, Medfield, Medford, Medway, Melrose, Mendon, Merrimac, Methuen, Middleborough, Middleton, Milford, Millis, Milton, Nahant, Nantucket, Natick, Needham, New Bedford, Newbury, Newburyport, Newton, Norfolk, North Reading, North Andover, North Attleborough, Northborough, Norton, Norwell, Norwood, Oak Bluffs, Orleans, Paxton, Peabody, Pembroke, Pepperell, Plainville, Plymouth, Plympton, Princeton, Provincetown, Quincy, Randolph, Raynham, Reading, Rehobeth, Revere, Rochester, Rockland, Rockport, Rowley, Rutland, Salem, Salisbury, Sandwich, Saugus, Scituate, Seekonk, Sharon, Sherborn, Shirley, Shrewsbury, Somerset, Somerville, Southborough, Sterling, Stoneham, Stoughton, Stow, Sudbury, Swampscott, Swansea, Taunton, Tewksbury, Tisbury, Topsfield, Townsend, Truro, Tyngsborough, Upton, Wakefield, Walpole, Waltham, Wareham, Watertown, Wayland, Wellesley, Wellfleet, Wenham, West Boylston, West Tisbury, West Newbury, West Bridgewater, Westborough, Westford, Westminster, Weston, Westport, Westwood, Weymouth, Whitman, Wilmington, Winchester, Winthrop, Woburn, Worcester, Wrentham, Yarmouth.

- (2) The project shall be conducted on public property:
  - (a) on a roadway or its adjacent lands which are subject to stormwater runoff;
  - (b) on a mobile facility or a boat ramp, dock, or other municipal boat landing facility.
- (3) The project must control identified sources of nonpoint pollution.
- (4) The project must use commonly accepted Best Management Practices (BMPs) for managing stormwater runoff as referenced in *Controlling Urban Runoff* (1987) or *A Current Assessment of Urban Best Management Practices* (1992) by Thomas Schueler, or other BMPs that the Committee determines to be acceptable; or, in the case of boat pumpout facilities, conform to practices found in the Massachusetts Department of Environmental Protection document entitled *Guidelines for the Proper Collection, Storage, and Disposal of Sanitary Sewage from Marine Sanitation Devices at Licensed Marinas*.
- (5) The Applicant agrees to comply with the fiscal requirements of the CPRP in 301 CMR 26.07.

26.05: Application and Requirements for Grant Awards

- (1) The Applicant shall submit a CPRP application, together with any other documentation required by CZM. The application shall include the following information:
  - (a) An explanation, together with supporting documentation, of the pollution problem at the project site.
  - (b) A site plan of the project area, including a detailed map showing all proposed and existing structures. It shall contain the location and characteristics of the project.
  - (c) A detailed explanation of how the project will abate the pollution source.
  - (d) A description documenting that the project will serve the public interest and how it is consistent with community wide needs and priorities.
  - (e) Documentation that evidences support (including a financial commitment) for the project from any appropriate local authority, including, if applicable, the local conservation commission and the local Department of Public Works.
  - (f) A statement indicating that all licenses, permits or other approvals required by local, state and federal agencies will be sought and received prior to commencement of the project.
- (2) The Applicant shall provide engineering plans for the project to the Director prior to the execution of the grant funds agreement, or the release of any grant funds.
- (3) The Applicant must acknowledge that the grant funds agreement will not be signed until all approvals required by law are received, and detailed plans are submitted to the Director.
- (4) The Applicant shall execute a grant funds agreement with the EOE, which shall contain all relevant requirements.

301 CMR: EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

26.06: State Action

- (1) The Director will publish a notice in the *Environmental Monitor* announcing the availability of grants and application procedures and deadlines. Grant funds will be available on an annual basis, beginning in FY 96.
- (2) The Director shall forward submitted applications to the Committee for review and evaluation as described in 301 CMR 26.07.
- (3) The Director will enter into grant fund agreements with Applicants whose projects are accepted for funding under the CPRP.

26.07: Applicable Criteria in Project Evaluation

- (1) The Committee shall consider the following priority areas in making selections of grand fund recipients. The priority projects are those which:
  - (a) reduce pollution from roadways or marine vessels entering into waterbodies.
  - (b) can be accomplished within the budget presented in the application.
  - (c) are cost-effective.
  - (d) will have measurable positive benefits to coastal zone resources.
  - (e) are located in watersheds targeted by EOE's Watershed Initiative.
  - (f) will assist in shellfish bed restoration.
  - (g) demonstrate appropriate and commonly accepted Best Management Practices (BMPs) for managing stormwater runoff from roadways, or, in boat pumpout facilities projects, conform to DEP practices.

26.08: Fiscal Considerations

- (1) Projects that receive CPRP grant funds are eligible for reimbursement up to 75% of the total project cost as identified in the grant funds agreement.
- (2) The Applicant shall be responsible for funding 25% of the project costs. The Applicant may fund its required matching share through a variety of methods, including, but not limited to:
  - (a) in-kind contributions
  - (b) the cost of engineering designs prepared for the grant funds application
  - (c) cash contributions or donations by other agencies, institutions, or private individuals
  - (d) goods and services, donated by other agencies, institutions or individuals.
- (3) Criteria for matching share requirements and documentation shall be identified in the grant funds application.
- (4) Reimbursement will be made only after the Applicant has demonstrated the following:
  - (a) The amount of money equal to that set forth in the billing submitted to CZM for reimbursement has been expended; and
  - (b) Documentation on all billing invoices has been received by the Director.

REGULATORY AUTHORITY

301 CMR 26.00: St. 1994, c. 273, § 21.

(301 CMR 27.00 through 39.00: RESERVED)

NON-TEXT PAGE